

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES DEAN WILKS,	)	
	)	
Plaintiff,	)	CASE NO. C07-1504-MJP-JPD
	)	
v.	)	
	)	
OFFICER O'CLEARY, <i>et al.</i> ,	)	ORDER STAYING ACTION
	)	
Defendants.	)	
	)	
	)	

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Currently pending before this Court are defendant Wilks' motion to stay these proceedings during plaintiff's incompetency, defendant Wilks' motion for summary judgment, and the City of Seattle defendants' motion to dismiss. The Court, having reviewed the pending motions, and the balance of the record, does hereby ORDER as follows:

(1) Defendant Wilks' motion to stay this action (Dkt. No. 24) is GRANTED. Plaintiff is currently confined at the Western State Hospital pursuant to an Order of the King County Superior Court finding plaintiff incompetent to stand trial on charges currently pending in that court and


1 committing plaintiff for further evaluation and treatment. (*See* Dkt. No. 16, Ex. C.) Defendant Wilks,  
2 by way of the instant motion, seeks to have this action stayed until plaintiff is found to be competent.  
3 The record reflects that defendant Wilks has served her motion papers on plaintiff at the Western State  
4 Hospital and plaintiff has filed no opposition to the requested stay. Counsel for the City of Seattle  
5 defendants has also been served with defendant Wilks' motion and has raised no objection to the  
6 requested stay.

7  
8 (2) Accordingly, this action is STAYED for a period of *sixty (60) days*. At the conclusion  
9 of that period of time, the parties shall file a status report with the Court stating their positions on  
10 whether it is appropriate for this action to proceed.

11 (3) The City of Seattle defendants' motion to dismiss (Dkt. No. 26) and defendant Wilks'  
12 motion for summary judgment (Dkt. No. 32) are STRICKEN from the Court's calendar. These  
13 dispositive motions will be RE-NOTED on the Court's calendar once the stay is lifted.

14 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants,  
15 and to the Hon. James P. Donohue.

16 DATED this 19th day of June, 2008.

17   
18 JAMES P. DONOHUE  
19 United States Magistrate Judge  
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